

Filing at a Glance

Company: Capitol Indemnity Corporation

Product Name: CAL 007 (02-07) Exclusion - Repetitive SERFF Tr Num: CAPC-125216551 State: Arkansas

TOI: 05.2 Commercial Multi-Peril - Liability Portion Only SERFF Status: Closed State Tr Num: AR-PC-07-025225

Sub-TOI: 05.2002 Businessowners

Co Tr Num: 07-BOP-FO-AR-110

State Status:

Filing Type: Form

Co Status:

Reviewer(s): Betty Montesi, Edith Roberts

Author: Mary Ann Delehanty

Disposition Date: 07-12-2007

Date Submitted: 06-25-2007

Disposition Status: Approved

Effective Date Requested (New): 07-30-2007

Effective Date (New):

Effective Date Requested (Renewal): 09-30-2007

Effective Date (Renewal):

General Information

Project Name: CAL 007 (02-07) Exclusion - Repetitive

Status of Filing in Domicile: Authorized

Project Number: 07-BOP-FO-AR-110

Domicile Status Comments:

Reference Organization:

Reference Number:

Reference Title:

Advisory Org. Circular:

Filing Status Changed: 07-12-2007

State Status Changed: 06-25-2007

Deemer Date:

Corresponding Filing Tracking Number:

Filing Description:

We submit for your review and approval the following final printed copy of our endorsement: Exclusion - Repetitive Exposure, Consumption or Use of An Insureds Products or Services CAL 007 (02-07) for use with our independent Businessowners Policy.

Exclusion - Repetitive Exposure, Consumption or Use of An Insureds Products or Services CAL 007 (02-07):

This new endorsement will be used optionally on any risk where there is the potential for injury from repetitive exposure to an insureds premises, products or exposures over a period of one year or more.

Company and Contact

Filing Contact Information

Mary Ann Delehanty, Product Analyst

madelehanty@capitolindemnity.com

PO Box 5900

(608) 829-4241 [Phone]

Madison, WI 53705

(608) 829-7402[FAX]

Filing Company Information

Capitol Indemnity Corporation
PO Box 5900
Madison, WI 53705
(608) 829-4200 ext. [Phone]

CoCode: 10472
Group Code: 501
Group Name:
FEIN Number: 39-0971527

State of Domicile: Wisconsin
Company Type:
State ID Number:

Filing Fees

Fee Required? Yes
Fee Amount: \$50.00
Retaliatory? No
Fee Explanation: FORMS FILINGS

\$50 for each filing
Per Company: No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
Capitol Indemnity Corporation	\$50.00	06-25-2007	14309061

Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Approved	Edith Roberts	07-12-2007	07-12-2007

Objection Letters and Response Letters

Objection Letters				Response Letters		
Status	Created By	Created On	Date Submitted	Responded By	Created On	Date Submitted
Pending Industry Response	Edith Roberts	06-28-2007	06-28-2007	Mary Ann Delehanty	07-09-2007	07-09-2007

Disposition

Disposition Date: 07-12-2007

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment:

Rate data does NOT apply to filing.

Item Type	Item Name	Item Status	Public Access
Supporting Document	Uniform Transmittal Document-Property & Casualty	Approved	Yes
Form	EXCLUSION-REPETITIVE EXPOSURE, CONSUMPTION OR USE OF AN INSURED'S PRODUCTS OR SERVICES	Approved	Yes

Objection Letter

Objection Letter Status	Pending Industry Response
Objection Letter Date	06-28-2007
Submitted Date	06-28-2007

Dear Mary Ann Delehanty,

This will acknowledge receipt of the captioned filing.

It appears that this endorsement may be too broad as some of the products included could appear to be harmless for continued use over a year, including but not limited to - cosmetics, oils, lotion. Please add qualifying language to define "repetitive exposure" such as "in a way to deliberately abuse the use of...", "for use other than intended", .."in manner not approved for use.." In other words please clarify that there would have to be some type abuse of the product by the user. Otherwise, not all of these products/services would be construed to be harmful from competitive use such as shampoos, oils, etc...

Please feel free to contact me if you have questions.

Sincerely,

Edith Roberts

Response Letter

Response Letter Status	Submitted to State
Response Letter Date	07-09-2007
Submitted Date	07-09-2007

Dear Edith Roberts,

Comments:

Response 1

Comments: I should have submitted more information on my initial filing of this endorsement.

We always intended to use this endorsement on exposures, which presented a long-term health hazard, including but not limited to tanning; use of tobacco products; cosmetics; alcoholic beverages; and devices, which create an electro-magnetic field. We have made this intention more evident by including in the endorsement a list the products or services that will be affected.

This endorsement was approved for use for commercial general liability per State Tr Num AR-PC-07-025298, Disposition Date of 07-06-07.

This is an optional endorsement to be used with new business and renewals.

Thank you for your time and consideration for reviewing this filing.

No Supporting Documents have changed.

No Form Schedule items changed.

No Rate/Rule Schedule Item Changes

Sincerely,

Mary Ann Delehanty

Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Approved	EXCLUSION- REPETITIVE EXPOSURE, CONSUMPTION OR USE OF AN INSURED'S PRODUCTS OR SERVICES	CAL 007 (02-07)	02-07	Endorseme New nt/Amendm ent/Condi tions		0.00	CAL 007 _02-07_ Repetitive Exposure Exclusion.pdf

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**EXCLUSION –
REPETITIVE EXPOSURE, CONSUMPTION OR
USE OF AN INSURED'S PRODUCTS OR SERVICES**

This endorsement modifies insurance under the following:

LIABILITY COVERAGE FORM

The following is added to the Exclusions applicable to the Coverage Section:

This insurance does not apply to, nor shall we have the duty to defend, any claim or "suit" arising out of or resulting from repetitive exposure to, repetitive consumption of, or repetitive use over a period of one or more years of the following products or services of any insured:

Tanning; or
Addictive substances and services; or
Cosmetics; or
Lotions; or
Ointments; or
Oils; or
Inks or dyes that are applied on or under the skin; or
Products or services that pierce the skin; or
Medical products or services; or
Dietary supplements; or
Weight loss, gain or weight control products or services; or
Exercise related; food products; or
Tobacco products; or
Products or services that require repetitive motion.

This endorsement does not modify any other provision of the policy.

Rate Information

Rate data does NOT apply to filing.

Supporting Document Schedules

		Review Status:	
Satisfied -Name:	Uniform Transmittal Document- Property & Casualty	Approved	07-12-2007
Comments:	Included in General Information and Form Schedule.		